

CONFERENCE COMMITTEE REPORT DIGEST FOR EHB 1274

Citations Affected: IC 9-29.

Synopsis: Accident report fees. Conference committee report for EHB 1274. Provides that the fee charged for an accident report must be not less than five dollars and not more than eight dollars. Provides that any of certain entities may not charge an accident report fee of more than five dollars unless the state police department has certified that the entity has submitted accident reports to the central repository within 20 days of completion. Requires the superintendent of the state police department to biennially produce a report analyzing the costs associated with operation of a vehicle crash records system as compared to the costs of having a private vendor operate a vehicle crash records system, and authorizes the superintendent to use the rulemaking process to increase the fee if the report analyzing the costs associated with the vehicle crash records system demonstrates the need for a higher fee. Prohibits political subdivisions or local law enforcement agencies of political subdivisions from imposing or collecting an accident response service fee on or from the driver of a motor vehicle or any other person involved in a motor vehicle accident. Exempts certain preexisting contracts from the eight dollar fee cap for a copy of an accident report. **(This conference committee report does the following: Provides that the fee charged for an accident report must be not less than five dollars and not more than eight dollars. Provides that any of certain entities may not charge an accident report fee of more than five dollars unless the state police department has certified that the entity has submitted accident reports to the central repository within 20 days of completion. Authorizes the superintendent to use the rulemaking process to increase the fee if the report analyzing the costs associated with the vehicle crash records system demonstrates the need for a higher fee. Exempts certain preexisting contracts from the eight dollar fee cap for a copy of an accident report. Requires the regulatory flexibility committee to study the revision of the Indiana statute governing enhanced wireless 911 systems to include Internet Protocol enabled services and other emerging technologies. Requires the committee to report any recommendations resulting from its study to the legislative council not later than December 1, 2007.)**

Effective: Upon passage; July 1, 2007.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER:

Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill No. 1274 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 9-29-11-1, AS AMENDED BY P.L.174-2006,
- 3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2007]: Sec. 1. (a) Except as provided in subsection (c), the
- 5 main department, office, agency, or other person under whose
- 6 supervision a law enforcement officer carries on the law enforcement
- 7 officer's duties may charge a fee that is fixed by ordinance of the fiscal
- 8 body in an amount not less than five dollars (\$5) **nor more than eight**
- 9 **dollars (\$8)** for each report. **However, the main department, office,**
- 10 **agency, or other person may not charge a fee that is more than five**
- 11 **dollars (\$5) unless the state police department has certified that the**
- 12 **main department, office, agency, or other person has submitted its**
- 13 **accident reports to the central repository not later than twenty (20)**
- 14 **days after completion.**
- 15 (b) The fee collected under subsection (a) or (c) shall be deposited
- 16 in the following manner:
- 17 (1) If the department supplying a copy of the accident report is the
- 18 state police department, in a separate account known as the
- 19 "accident report account". The account may be expended at the
- 20 discretion of the state police superintendent for a purpose
- 21 reasonably related to the keeping of accident reports and records
- 22 or the prevention of street and highway accidents.

(2) If the department supplying a copy of the accident report is the sheriff, county police, or county coroner, in a separate account known as the "accident report account". The account may be expended at the discretion of the chief administrative officer of the entity that charged the fee for any purpose reasonably related to the keeping of accident reports and records or the prevention of street and highway accidents.

(3) If the department supplying a copy of the accident report is a city or town police department, in the local law enforcement continuing education fund established by IC 5-2-8-2.

(c) **Except as provided in subsection (e)**, the superintendent of the state police department, may charge a fee in an amount that is not less than five dollars (\$5) **nor more than eight dollars (\$8)** for:

(1) each report; and

(2) the inspection and copying of other report related data maintained by the department.

(d) The superintendent of the state police department shall biennially tabulate and analyze the costs associated with the state police department maintaining a vehicle crash records system as compared with the costs associated with contracting with a private vendor to provide a vehicle crash records system. The superintendent shall publish the analysis and tabulation in the form of a report. The state police department shall:

(1) publish the report biennially beginning on January 30, 2008;

(2) provide a copy of the report to the legislative council; and

(3) make the report available to the public.

The report to the legislative council must be in an electronic format under IC 5-14-6.

(e) If the analysis contained in the report described in subsection (d) demonstrates the need for a fee greater than eight dollars (\$8), the superintendent may establish a higher fee by adopting rules under IC 4-22-2.

SECTION 2. IC 9-29-11.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 11.5. Accident Response Service Fees

Sec. 1. As used in this chapter, "accident response service fee" means a fee imposed for any of the following:

(1) The response by a local law enforcement agency to a motor vehicle accident.

(2) The investigation by a local law enforcement agency of a motor vehicle accident.

Sec. 2. As used in this chapter, "local law enforcement agency" means a political subdivision's department or agency whose principal function is the apprehension of criminal offenders.

Sec. 3. A political subdivision or a local law enforcement agency of a political subdivision may not impose or collect, or enter into a contract for the collection of, an accident response service fee on or from:

(1) the driver of a motor vehicle; or

1 **(2) any other person;**
 2 **involved in a motor vehicle accident.**

3 **SECTION 3. [EFFECTIVE UPON PASSAGE] (a) As used in this**
 4 **SECTION, "committee" refers to the regulatory flexibility**
 5 **committee established by IC 8-1-2.6-4.**

6 **(b) Not later than November 1, 2007, the committee shall study**
 7 **the revision of the Indiana statute governing enhanced wireless 911**
 8 **systems to include Internet Protocol enabled services and other**
 9 **emerging technologies.**

10 **(c) The committee shall prepare a report on the committee's**
 11 **recommendations, if any, concerning the issue described in**
 12 **subsection (b) and shall submit the report to the legislative council**
 13 **in an electronic format under IC 5-14-6 not later than December**
 14 **1, 2007.**

15 **SECTION 4. [EFFECTIVE UPON PASSAGE] (a) This SECTION**
 16 **applies to:**

17 **(1) the main department, office, agency, or other person under**
 18 **whose supervision a law enforcement officer carries on the**
 19 **law enforcement officer's duties; and**

20 **(2) the state police department.**

21 **(b) Notwithstanding IC 9-29-11-1, as amended by this act, if:**

22 **(1) a person to whom this SECTION applies has entered into**
 23 **a contract with a private entity to supply a copy of an accident**
 24 **report before the effective date of this SECTION; and**

25 **(2) the contract authorizes a person to charge more than eight**
 26 **dollars (\$8) for a copy of the accident report;**

27 **the eight dollar (\$8) cap on the fee that may be charged for an**
 28 **accident report under IC 9-29-11-1, as amended by this act, does**
 29 **not apply to the persons who are parties to the contract for the**
 30 **duration of the contract.**

31 **(c) This SECTION expires July 1, 2012.**

32 **SECTION 5. An emergency is declared for this act.**

 (Reference is to EHB 1274 as reprinted April 10, 2007.)

Conference Committee Report
on
Engrossed House Bill 1274

Signed by:

Representative Herrell
Chairperson

Senator Bray

Representative Ulmer

Senator Lewis

House Conferees

Senate Conferees